



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: PROCESS TO FILL AN
UNANTICIPATED VACANCY ON
THE FEDERATED RETIREMENT
BOARD**

DATE: 5-30-14

RECOMMENDATION

- (a) Direct the City Clerk to initiate the appointment process for the unanticipated, unscheduled vacancy for an employee member on the Board of Administration of the Federated Retirement System (Federated Retirement Board) to appoint a new City employee to the end of the resigned member's term, November 30, 2017.
- (b) Forward the recommendation to the full Council for action on June 17, 2014.

BACKGROUND

Lisa Taitano, one of the two employee members of the Federated Retirement Board, accepted a position with the City of Cupertino and left City service on May 2, 2014. With her resignation, there is an unscheduled vacancy on the Federated Retirement Board for one member required to be a City employee and member of the Federated Retirement System.

On August 24, 1999, the City Council adopted procedures governing elections to be conducted among officers and employees. Section 215 of the procedures specifies that, if an unscheduled vacancy occurs on the Board, the City Council has the choice to appoint the employee who received the next highest number of votes at the last election for the office or it may direct that petitions for appointment be received and submitted to the Federated Retirement Board for its review and recommendation.

ANALYSIS

In the Federated Retirement Board election conducted in November 2013, Lisa Taitano was the sole candidate. For this reason, the City Council is unable to appoint the employee who received the next highest number of votes in the last election.

The alternative option allows for the City Council to direct that the City Clerk give notice of the vacancy to eligible employees and the procedures for filing a nomination petition. Employees interested in seeking the appointment have a twenty-one day period from the Notice of Vacancy to obtain ten valid signatures on a nomination petition, submit a candidate's statement of not

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more than 200 words, and submit a Retirement Board application to the City Clerk. Following the close of the petition period, the City Clerk will submit all petitions, candidate's statements, and applications to the Federated Retirement Board. The Board will review the information submitted and, within 12 days, submit its recommendation for appointment to the City Council.

The Office of the City Clerk has developed a timeline for the petition/appointment process. This timeline will enable eligible employees to seek nomination to fill the vacancy and the Federated Retirement Board to make its recommendation, and the Council to appoint a replacement.

Day/Date	Task/Action
Wednesday, June 11	Rules and Open Government Committee approves item for June 10 Council Agenda
Tuesday, June 17	Council directs process to fill the unscheduled vacancy of an employee member on the Federated Retirement Board
Tuesday, June 24	Communication of vacancy and petition/appointment process sent via email to all eligible City employees; 21-day Nomination period opens. Eligible employees must submit a completed nomination petition, candidate's statement, and application to the City Clerk by the close of the nomination period.
Monday, July 14	Nomination period closes at 5:00 p.m.; petitions, applications, and candidate statements transmitted to the Federated Retirement Board.
Thursday, August 21	Federated Retirement Board considers applicants and makes recommendation to City Council
Tuesday, August 26	Council makes appointment to fill the employee member's term expiring November 30, 2017.

SUMMARY

The process outlined above is in conformance with the procedures adopted by the City Council regarding the election or appointment of employee members of the Board of Administration for the Federated Employees Retirement System. The process ensures that there is a timely replacement to fill the unscheduled vacancy of an employee member of the Federated Retirement Board due to the resignation of one of the two employee members.



TONI J. TABER, CMC
City Clerk

For questions, please contact Suzanne Guzzetta, Deputy City Clerk, at (408) 535-1267.